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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,357

09/14/2004

Tianmo Lei

5356

35920

7590

12/30/2004

TIANMO LEI

775 ENRIGHT AVE.

SANTA CLARA, CA 95050

EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,357

Applicant(s)

LEI, TIANMO

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4 are presented for examiner.

Claim Objections

2. Claims 1-4 are objected to because of the following informalities:

Re claim 1 (page 6, line 1): Substitute “ The system to record ...” with “A system to record ...”.

Re claim 2 (page 6, line 22): Substitute “ The method and program ...” with “A method and program ...”.

Re claims 3-4 (page 7, lines 10 & 17): Substitute “ The system to play back ...” with “A system to play back ...”.

The applicant is respectfully requested to amend the claims as suggested above so as to avoid any antecedent basis objection.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al. (U.S. 5,276,472).

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Re claim 1: Bell et al. (hereinafter referred as "Bell") discloses photographic film still camera system with audio recording, which includes means for recording and digitizing the said sound to produce a digital sound data using microphone 17 and various recorders (col.2, lines 40+; col.4, lines 1-55), means for entering the digital sound data into a Personal Computer [herein described as processing circuit 24] (col.4, lines 35+), means for compressing and encoding the said digital sound data into a 2-dimensional barcode 45 using the said Personal Computer (col.5, lines 30+), means for printing [through the printer 43] the 2-dimensional barcode 45 on to the side of the said photograph, which appears as a graphic picture, using the Personal Computer and a printer, means for printing the 2-dimensional barcode on to the back of the photograph [as shown in fig . # 5], which appears as a graphic picture, using the Personal Computer and a printer (col.5, lines 35+), means for scanning [through the reproduction, hand-held playback 50] the graphic picture to produce digital data representing the information of the 2-dimensional barcode, using the Personal Computer and a scanner 50 (col.5, lines 55+; col.6, lines 11+; col.6, lines 60+), means for decoding [through an optical decoder 53] and uncompressing the digital data of the 2-dimensional barcode 45 to produce the digital sound data, using the Personal Computer (col.5, lines 59+; col.6, lines 18+), means for playing [through the playback device 50 and playback circuits 41] the digital sound data to sound, using the Personal Computer 24 and a speaker 20 (col.4, lines 45+; col.5, lines 17-67).

Re claim 2: Bell teaches a system and method, which includes an acquisition module [through the micro-controller 23 and user input selector switch 22] to control sound acquisition device for recording the said sound to produce digital sound data (col.4, lines 25+); a compressing and encoding module to encode the digital sound data into a 2-dimensional barcode

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45 (col.5, lines 30+), a printing module 43 to print the said 2-dimensional barcode on to the back of the said photograph, which appears as a graphic picture, a printing module 43 to print the said 2-dimensional barcode on to the side of the said photograph, which appears as a graphic picture (col.5, lines 35+), a scanning module 50 to scan the said graphic picture on the photograph 45 to produce digital data representing the information of the 2-dimensional barcode (col.5, lines 55+; col.6, lines 11+; col.6, lines 60+, a decoding and uncompressing module 53 to recognize and decode and uncompress the said digital data of the said 2-dimensional barcode to produce the said digital sound data (col.5, lines 59+; col.6, lines 18+); a playing module to play the said digital sound data to the said sound (col.4, lines 45+; col.5, lines 17-67).

Re claim 4: Bell discloses a system and method, which includes a digital camera 16 which be used to shoot the printed on the photograph (as shown in fig. # 2; col.3, lines 55+), a decoding program and the playing program, 2-dimensional barcode running in the digital camera to decode the said 2-dimensional barcode and play back the sound encoded in the 2-dimensional barcode (col.5, lines 59+; col.6, lines 1-33).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (U.S. 5,276,472) in view of Roustaei et al. (US 2001/0034222).

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The teachings of Bell et al. have been discussed above.

Bell et al. fails to teach a cellular phone with an embedded camera.

Roustaei et al. discloses image capture and processing accessory, which includes a cell phone 41 with an embedded camera/scanner 32 used to shoot a photograph (as shown in figs. # 4-6; paragraphs 0015-0020, 0038-0044)

In view of Roustaei et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Bell et al. a cellular phone with a camera as another means of taking a picture. Furthermore, cell phone with embedded a camera or scanning technology is well known in the industry (as exemplified by the examiner in the following US patents/applications: 6,532,035 of Saari et al.; 6,823,198 of Kobayashi; 2002/0187818 of Kang; 2004/0014490 of Muramatsu et al.) and is beneficial to the user providing an added feature, a digital camera/scanner with play back means, to the use of wireless phone and wherein the photograph/symbol can be wirelessly downloaded/printed to a remote personal computer. Moreover, such modification would have been an obvious extension as taught by Bell et al., therefore an obvious expedient.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patton et al. (U.S. 5,774,752) discloses processing of sound media with still image films in photo-finishing labs.

Stephenson (U.S. 6,075,950) teaches associating a sound record with a film image.

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Adams et al. (US 2002/0075464) teaches printing of image with related sound.

Morohashi et al. (US 2002/0081112) discloses printer for use in a photography image processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
December 18, 2004



THIEN M. LE
PRIMARY EXAMINER